

Engineering Services Department

Trevor Spencer, P.E.
Director



August 24, 2022

Owner/Financially Responsible Party

PTI of USA, LLC.,
7 Westmount Court,
Greensboro, NC 27410

RE: NOTICE OF VIOLATION

Project: **Triangle Lake Road Commercial Site**
Location: **3124 Triangle Lake Rd., High Point, NC 27260**
Land Disturbing Permit: **EN-21-0226**

Dear Sir or Madame:

On August 23, 2022, staff from the Engineering Services Department conducted an inspection at your project ("Site") located at 3124 Triangle Lake Rd., High Point, NC 27260 for compliance to the City of High Point Development Ordinance ("Ordinance"). The Site was found to be in violation of the Ordinance and the Sedimentation Pollution Control Act of 1973 ("SPCA"). Specifically, the violations occurring on the Site are:

- 1) **Failure to Protect:** Failure to take all reasonable measures to protect public property or private property, including lakes and/or natural watercourses, from damage caused by land-disturbing activities. City of High Point Development Ordinance Section 9.9.6.B.2.
- 2) **Failure to Maintain Temporary Measures:** Failure to maintain temporary soil erosion and sedimentation control measures and facilities during the development of the site. City of High Point Development Ordinance Section 9.9.6.B.6.
- 3) **Failure to Follow Plan:** \$300 per day for failure to conduct a land-disturbing activity in accordance with the provisions of an approved soil erosion and sedimentation control plan.

To bring the Site into compliance with Section 6.3 of the Ordinance, the following corrections to the site must be completed within the specified time:

- a. **Regrade and reinstall the temp diversion ditch on site to ensure proper drainage to the basin as shown on approved plans.**
- b. **Repair all damaged silt fence in the area that sediment has undermined and reinstall to the City of High Point Standard (COHP STD. 600.00).**
- c. **Remove sediment that has went past the limits of disturbance and place proper coverage back in all areas disturbed during the cleanup process.**

- d. The grading contractor on site has created disturbance past the limits of disturbance on the jobsite and has graded into the sanitary sewer easement. Place proper permanent coverage along the disturbed sanitary sewer easement that runs through the jobsite that was disturbed by the grading contractor.**

As described in Section 9.4.1 of the Ordinance, the landowner, tenant, or occupant of any land or structure, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance may be held responsible for the violation and is subject to the remedies and penalties set forth in this chapter. As per Section 9.4.3. of the Ordinance, it is your responsibility as the landowner and/or financially responsible party to bring the Site into compliance with local, state, and federal laws.

Therefore, as per Section 9.9.6 of the Ordinance, you are hereby notified that you have ten (10) working days (days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken) from the date that this notice is received to bring your project into compliance. If you fail to bring your Site into compliance within the allotted time, a civil penalty with a maximum amount of \$5000.00 per day may be assessed from the day of the violation. Each day of continuing violation shall constitute a separate violation. Any person, who fails to comply within the time specified, is subject to additional civil and criminal penalties for a continuing violation.

You may appeal this Notice of Violation in writing to the Board of Adjustment within fifteen (15) days following the date of the Notice of Violation in accordance with Sections 9.6.1 and 2.4.2 of the Ordinance. In the absence of an appeal, the decision of the Enforcement Officer shall be final. If you fail to comply with a Notice of Violation from which no appeal has been taken, or a final decision by the Board of Adjustment following an appeal, you shall be subject to such remedies and penalties as may be provided for by state law or the Ordinance.

A copy of this Notice of Violation will be forwarded to the Winston Salem Regional Office of the NC Division of Energy, Mineral and Land Resources and the NC Division of Water Quality as required.

Please note that if you have not been assessed a civil penalty under GS §113A-64 for any previous violation and you have abated the environmental damage resulting from this violation within 180 days from the date of this notice of violation, then the maximum cumulative total civil penalty assessed under GS §113A-64 for all violations associated with the above Land-Disturbing Permit will be twenty-five thousand dollars (\$25,000).

You may view the City of High Point's Development Ordinance at the following link - https://library.municode.com/nc/high_point/codes/development_ordinance?nodeId=CITY_HIGH_POINT_DEVELOPMENT_ORDINANCE. Copies of the relevant ordinance and regulations will be sent to you upon request.

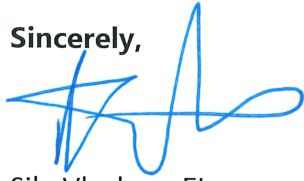
Please notify my office immediately after the violations have been corrected. This Site will not be in compliance until I have received notification from you and inspected the Site.

Inspector Comments:

- 1) A requirement of the NCG01 General Permit/NPDES Permit is that you are required to report any off-site sedimentation and document actions taken to correct the failure to the Regional Office. Please do so if you haven't already.
- 2) You are permitted under NC General Permit Number NCG01 to discharge stormwater to the surface waters under the National Pollutant Discharge Elimination System (NPDES). Conditions of both the NCG01 and E&SC Plan shall be followed until the completion of the construction activity and establishment of permanent ground stabilization.
 - a. Concrete Materials – Onsite concrete materials, including excess concrete, shall be controlled, and managed to avoid contact with surface waters, wetlands, or buffers,
 - b. Operations and Maintenance -The permittee shall install and maintain all temporary and permanent E&SC measures as required by the NPDES Permit and the approved E&SC Plan.
 - c. Corrective Actions – If self-inspections required by the NPDES Permit identify a need for maintenance of the control measures, modifications, addition(s) to control measures, corrective actions to control sediment or other pollutants, these actions shall be performed as soon as possible considering adverse weather and site conditions.
 - d. Bypass of E&SC Measures – Diversion of stormwater from E&SC measures when the design storm has not been exceeded are not allowed. Bypasses of E&SC measures shall be reported in accordance with Part III, Section C, Item (2)(c) and (d) of the NCG01 Permit.
 - e. Self-Inspections - Self-Inspections are required during normal business hours in accordance with Table 4 in Part III, Section A.
 - f. Recordkeeping – The approved E&SC plan as well as any approved deviation shall be kept on the site. The approved E&SC plan must be kept up to date throughout the coverage under this permit. The items listed in Table 5 in Part III, Section B pertaining to the E&SC plan shall be always kept onsite and available for inspection during normal business hours.
 - g. Reporting – All occurrences found in Part III; Section C must be reported.
 - h. Ground Stabilization Timelines - Ground Stabilization shall be achieved on any area where land disturbing has ceased within the timelines listed in Table 4 in Part II, Section E.

Please call me if you have any questions, comments, or to schedule an on-site meeting to discuss the violations.

Sincerely,



Sila Vlachou, EI
Civil Engineer II
(336) 883-3197

cc: Tamera Eplin, PE, c/o Division of Energy, Mineral and Land Resources, NC Department of Environmental Quality, 450 West Hanes Mill Road, Suite 300, Winston Salem, NC 27105 (via email)

Sue Homewood, c/o Division of Water Resources, NC Department of Environmental Quality, 450 West Hanes Mill Road, Suite 300, Winston Salem, NC 27105 (via email)

Attachments: City of High Point Inspection Report (8-23-2022)



City of High Point Sedimentation Inspection Report

Inspector Jon R. Shepherd Date of Inspection 8/23/22

Permit Number EN-21-0226 Project Name Triangle Lake Rd Commercial Site

Address 3124 Triangle Lake Rd, High Point NC 27260

Individual responsible for Erosion Control PTI of USA, LLC

Mailing address for individual 7 Westmount Court, Greensboro NC 27410

Contact made with Danny on Site. Soil/Weather Conditions Dry/Clear 85°

Site in COMPLIANCE _____ with approved plan or in NON-COMPLIANCE Under NOV?

The following Violations that were discovered on your site are: Failure to protect,
Failure to Maintain Temp Measures, Failure to Follow Plan

The necessary actions to correct the above violations are: Off Site Loss was discovered during inspection, loss was discovered from area of diversion ditch that failed and blew out causing the sediment to undermine the silt fence in the area and run off site. Contractor will need to reinstall the area of the diversion ditch to ensure water and sediment make it in to the basin as designed. All damaged silt fence in the area will need to be replaced and reinstalled to city standard (600.00). All sediment that has left the jobsite will need to be removed properly and disturbed area will require proper seeding and coverage placed back in disturbed area.

Additional remarks by Inspector: Need to be replaced and reinstalled to city standard (600.00). All sediment that has left the jobsite will need to be removed properly and disturbed area will require proper seeding and coverage placed back in disturbed area.

During previous inspection on 8/3/22 it was discovered that the grading contractor (Minority Solutions LLC) on site at Triangle Lake Rd had disturbed the vegetation of the City Sewer Easement by taking

Has off-site sedimentation occurred since last inspection? YES NO _____

Photographs YES NO _____

Describe and estimate amount of off-site sedimentation damage and area that it covers:
3+ cy

City of High Point Sedimentation Inspection Report Supplement

Permit Number EN-21-0226 Project Name Triangle Lake Rd

(CONTINUED)

Equipment off site through the City's Sanitary Sewer Easement and
Completing work for an adjacent property at 1109 Roberts Ln.
Contractor (Minority Solutions LLC) will need to place permeate
coverage on all disturbed areas along the Sewer Easement.